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7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11
12 RICOH COMPANY LTD.,

13 Plaintiff,

14 v.
15

16 AEROFLEX, INC., ET AL.,

17 Defendants.
18
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) Case No. C03-04669 MJJ
)

) **[PROPOSED] ORDER GRANTING**
) **DEFENDANT MATROX ELECTRONIC**
) **SYSTEMS, LTD. AND MATROX**
) **GRAPHICS INC.'S NOTICE OF MOTION**
) **AND MOTION FOR SUMMARY**
) **JUDGMENT OF NONINFRINGEMENT**
)

) Date: January 6, 2004

) Time: 9:30 a.m.

) Ctrm: 11, 19th Floor

) Judge: Hon. Martin J. Jenkins
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)

1 This matter came before the Court on January 6, 2004 on motion by defendants Matrox
2 Electronic Systems Ltd. ("Matrox") and Matrox Graphics Inc. ("Matrox Graphics") seeking a
3 judgment from the Court, pursuant to Rule 56 of the Federal Rules of Civil Procedure, that Matrox
4 Electronics and Matrox Graphics do not infringe claims 13-20 of United States Patent No. 4,922,432
5 (the "'432 Patent") under 35 U.S.C. § 271(g).

6 After consideration of the papers filed in support of the motion, any papers filed in opposition,
7 and any oral argument of counsel:

8 The Court finds that:

9 1. The '432 Patent purports to describe a computer-aided method for designing an
10 application specific integrated circuit, or "ASIC."

11 2. Matrox Electronics and Matrox Graphics are Canadian corporations with their principal
12 places of business in Dorval, Quebec.

13 3. Matrox Electronics and Matrox Graphics are involved in the design of ASICs, for which
14 design they employ logic synthesis tools.

15 4. Matrox Electronics' and Matrox Graphics' use of logic synthesis tools and the conduct
16 of their design work take place exclusively within Canada.

17 5. Any circuit-design information generated by the Canadian Matrox companies' use of
18 Design Compiler is not a physical object, and thus cannot be a "product which is made by a process"
19 under Section 271(g). *Bayer AG v. Housey Pharmaceuticals, Inc.*, 340 F. 3d 1367, 1376-77 (Fed. Cir.
20 2003).

21 6. An ASIC is not a product "made by" any process described in the '432 Patent, and the
22 process that *is* contemplated by the '432 Patent merely generates "design information," which is not a
23 manufactured product as required by Section 271(g). *Bayer AG v. Housey Pharmaceuticals, Inc.*, 340
24 F. 3d 1367, 1369-70 (Fed. Cir. 2003).

1 IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that:

2 1. Matrox Electronics and Matrox Graphics do not infringe claims 13-20 of United States
3 Patent No. 4,922,432 (the “432 Patent”) under 35 U.S.C. § 271(g).

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5 Dated: _____, 2003

6 _____
7 The Honorable Martin J. Jenkins
8 United States District Court Judge
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